



Austin City Council MINUTES

MARCH 9, 1995 - 1:00 P.M.

Mayor Pro Tem Nofziger called to order the meeting of the Council, noting the temporary absence of Mayor Todd and Councilmember Goodman.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of March 2, 1995 and Special-Meetings of March 1 and 2, 1995.

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Todd and Councilmember Goodman temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mr. Joseph Horn, to discuss: stop drugs - destroy weapons. Let's teach each other to speak the truth! Let's free justice - Just Us! Too much crack cocaine around, close to A.P.D.
Not present.
4. Mr. Gus Pena, to discuss youth programs, request additional information on Veterans employment by the City of Austin, need for youth outreach workers from 12 midnight to 8:00 a.m. Discuss joint City and AISD effort to educate our children about gangs crime, drugs starting in elementary level.
5. Mr. Lance Winters, to publicly thank a very fine, caring citizen, Mr. Henry Ratliff, for his kind comments and concerns about Channel 6 and me, and to ask Council to protect the integrity of the public news conferences.
6. Mr. Henry Ratliff, address "City Council Improve Communication."
Not present.
7. Mr. Robert L. Thomas, to discuss the Rosewood Recreation Center.
8. Mr. Paul Robbins, to discuss City issues.
9. Mr. Richard Trachtenberg, to discuss City matters.
10. Mr. Ricky Bird, to discuss matters arising.
11. Mr. Jeffrey Minch, to discuss matters in regard to maintenance of public land.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve execution of a contract with the LOWER COLORADO RIVER AUTHORITY, Austin, Texas, for the purchase of electric energy generated from a 10MW share of the Texas Wind Power Project for a term of twenty-five (25) years, in the estimated annual amount of \$2,300,000, for a total estimated amount of \$25,000,000. (Funding in the amount of \$2,300,000 will be recovered through the utility

operating budget beginning in 1996-97. The revenue and expense for this contract will be included beginning in the 1996-97 operating budget of the Electric Utility Department.)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 5-1-1 vote, Councilmembers Reynolds voting "No", Councilmember Mitchell abstaining.

ORDINANCES

13. Approve third reading of a charter bus franchise for the Kerrville Bus Company. (Ten percent of gross revenue to the City was included in the 1994-95 operating budget of the Public Works and Transportation Department.)

See 950629-D

Ordinance No. 950309-A approved on Councilmember Garcia's motion, Mayor Todd's second, 6-0-1 vote, Councilmember Reynolds abstaining.

14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4100-4898 South Mopac Expressway, Case No. C814-94-0001, from "I-RR", Interim Rural Residence to "PUD", Planned Unit Development, INEZ & TAYLOR GAINES (Jimmy Gaines), by Walter Vacker Development (Ron Reue). First reading on October 20, 1994; Vote 6-0, Mayor Pro Tem Nofziger absent. Second reading on March 2, 1995; Vote 4-0-3; Councilmembers Goodman, Mitchell and Shea abstained. Conditions met as follows: Conditions imposed by Council have been incorporated into the Planned Unit Development Ordinance and Land Use Plan.

Ordinance No. 950309-B approved on Councilmember Garcia's motion, Mayor Todd's second, 4-0-3 vote, Councilmembers Shea, Mitchell, and Goodman abstaining.

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Sendero Drive and Copperwood Drive, Case No. C14-94-0151, from "I-RR", Interim Rural Residence to "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay, TRUST FOR PUBLIC LAND (Ted Siff), by Barry Cambell Engineering (Barry Cambell). First reading on February 23, 1995; Vote 7-0. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Ordinance No. 950309-C approved

16. Approve amending Part 1 (B) of Ordinance No. 940912-G, by reclassifying three Police Officer positions to one Lieutenant and two Senior Sergeant (supervisor) positions, the total number of authorized positions remains the same. (Funding in the amount of \$7,882 is available in the 1994-95 operating budget of the Police Department.)

Ordinance No. 950309-D approved

RESOLUTIONS

Brackenridge Hospital (Items 17-18)

17. Approve execution of a twelve (12) month service agreement with ROCHE BIOMEDICAL LABORATORIES, Kansas City, Missouri, for the provision of referral laboratory services, in an amount not to exceed \$82,726.88 with an option to extend for up to two (2) twelve (12) month periods in amounts not to exceed \$82,726.88 per extension, for a total amount not to exceed \$248,180.64. [Funding in the amount of \$48,257.83 is available in the 1994-95 operating budget of Brackenridge Hospital. Funding for the final five (5) months and the extension options is contingent upon available funding in future budgets.] Low bid of seven (7). No M/WBE Subcontracting opportunities were identified.
Approved
18. Approve execution of two (2) twelve (12) month supply agreements with REBER INDUSTRIES, INC., Houston, Texas, to provide non-sterile and sterile latex powderless examination gloves, in an amounts not to exceed \$167,526.36; and BAXTER HEALTHCARE, McGaw Park, Illinois, to provide sterile latex surgeons' gloves, in an amount not to exceed \$49,135.68, with two (2) twelve (12) month extension options in an amount not to exceed \$167,526.36 and \$49,135.68 per extension, for total amounts not to exceed \$502,579.08 and \$147,407.04. Total amount for the two (2) contracts in an amount not to exceed \$649,986.12. [Funding in the amount of \$126,636.19 is available in the 1994-95 operating budget of Brackenridge Hospital. Funding for the remaining five (5) months and the extension options is contingent upon available funding in future budgets.] Low bids of ten (10) meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved
19. Approve a twelve (12) month supply agreement with DENTAL PROSTHETICS (MBE/FH), Austin, Texas, for denture services for the Health and Human Services Department Medical Assistance Program (MAP) patients, in an amount not to exceed \$60,000, with two (2) twelve (12) month extension options in an amount not to exceed \$60,000 per extension, for a total amount not to exceed \$180,000. [Funding in the amount of \$30,000 is available in the 1994-95 operating budget of the Health and Human Services Department. Funding for the remaining six (6) months and the extension options is contingent upon available funding in future budgets.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved
20. Approve negotiation and execution of a contract with SYSTEMS AND COMPUTER TECHNOLOGY CORPORATION, Baton Rouge, Louisiana, for the purchase of a new human resources management system for the Human Resources Department, in an amount not to exceed \$993,000. (Funding in the amount of \$211,000 was included in the 1993-94 Capital budget of General Government. Funding in the amount of \$582,000 was included in the 1994-95 Capital budget of the Financial Services Department, \$200,000 was included in the 1994-95 Capital budget of the Electric Utility Department.) Best proposal of five (5). No M/WBE Subcontracting opportunities were identified.
Approved

21. Approve negotiation and execution of an Interlocal Agreement with Austin Community College to produce, host, and direct a live interactive two-way audio video teleconference between representatives of Portland, Oregon and Austin, in the amount of \$18,000. (Funding is available in the 1994-95 special revenue fund of the Environmental and Conservation Services Department.) [Recommended by Resource Management Commission]
Approved

Items 15 - 21 approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

22. Approve an amendment to the License Agreement with Austin Aqua Festival to establish rental fees for Auditorium Shores for the 1995 event. (No fiscal impact.) [Recommended by Parks Board]

Approved with amendment from Councilmember Goodman to give staff direction to investigate the use of sound dampers on the speakers, conduct random sound checks each night, continue current parking arrangements, work with joggers in the area and to have PARD and Legal investigate the ability to make Aquafest leave a deposit so that if they go over the noise level the deposit is forfeited on Councilmember Reynolds' motion, Councilmember Garcia's second, 7-0 vote.

23. Approve execution and negotiation of a five (5) year revenue contract with S.W. DARBY ENTERPRISES, Austin, Texas, for Golf Pro Manager at Morris Williams Golf Course for a guaranteed annual revenue of \$18,920 [average of five (5) years] per year, or 5% of gross sales, less sales tax, whichever is greater, for a guaranteed total revenue of \$94,600, with the option to extend the contract for one (1) additional five (5) year period for a guaranteed revenue amount of \$18,920 annually during the extension period for a total guaranteed revenue of \$189,200. (Guaranteed revenue of \$18,920 per year [average of five (5) years] for the Golf Enterprise Fund, or \$94,600 over the initial term of the contract. Revenue will be placed in the City of Austin Golf Enterprise Fund.) Best proposal of eight (8). No M/WBE Subcontracting opportunities were identified.

Postponed until March 23, 1995.

24. Approve the first supplemental amendment to an existing professional services agreement to CLOVIS HEIMSATH ARCHITECTS, Austin, Texas, to provide Phase II of professional architectural services for design and construction management of the Central City Entertainment Center, located at 2334 Rosewood Avenue, in an amount not to exceed \$144,041.62, for a total contract amount of \$174,041.62. (Funding was included in the 1994-95 amended Capital budget of the Parks and Recreation Department.)

Approved

25. Approve execution of a contract with A-1 CUT RATE MOVING & STORAGE (MBE/MB), Austin, Texas for the receipt, assembly and delivery of garbage carts to residential customers, in an amount not to exceed \$59,940. (Funding was included in the 1994-95 Capital Budget for Solid Waste Services.) Low bid of seven (7). No M/WBE Subcontracting opportunities were identified.

Approved

26. Approve a construction contract award to MUNIZ CONCRETE & CONTRACTING (MBE/MH), Austin, Texas, for the Great Hills Lift Station Access Driveway Project at the Great Hills Lift Station site located at 9009 Spicebrush Drive, in the amount of \$36,734. (Funding was included in the 1991-92 approved Capital budget of the Water and Wastewater Utility.) Low bid of eight (8). 10.89% MBE, 7.03% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
27. Approve a construction contract award to AUSTIN ENGINEERING COMPANY, INC., Austin, Texas, for East Austin Transmission Main 66" Concrete Steel Cylinder (CSC) Rehabilitation, on Johnnie Morris Road, between FM 969 and Loyola Lane, in the amount of \$217,600. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of six (6). 1.84% MBE, 2.46% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
28. Approve a construction contract award to HAEGELIN CONSTRUCTION COMPANY, INC., Austin, Texas, for installation of a water main parallel to US Highway 290 East from Tuscany Way to Springdale Road, in the amount of \$111,951.50. (Funding was included in the 1991-92 approved Capital budget of the Water and Wastewater Utility.) Low bid of nine (9). 5.98% MBE, 7.82% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
29. Approve a construction contract award to HAEGELIN CONSTRUCTION COMPANY, INC., Austin, Texas, for installation of a wastewater line along Ganymede Drive from Pluto Lane to Ganymede Drive Cul-de-sac, in the amount of \$649,945. (Funding was included in the 1993-94 approved Capital budget of the Water and Wastewater Utility Department.) Low bid of five (5). 3.61% MBE, 4.45% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
30. Approve execution of a twelve (12) month service agreement with DAVIS SECURITY AGENCY (MBE/MB), Austin, Texas, to provide Armed Security Guard Services for the Utility Customer Service Offices, in an amount not to exceed \$121,951.44 with two (2) twelve (12) month extension options in an amount not to exceed \$121,951.44 per extension option, for a total amount not to exceed \$365,854.32. [Funding in the amount of \$60,975.72 for the first six (6) months is available in the 1994-95 operating budget of the Utility Customer Service Office. Funding for the remaining six months and the extension options is contingent upon available funding in future budgets.] Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
Approved

Austin-Bergstrom International Airport (Items 31-32)

31. Approve Amendment No. 5 to a contract with S. A. GARZA ENGINEERS (MBE/MH), Austin, Texas, for an extension of the professional services agreement to provide an extension of the engineering services to provide for the modification of the

design and bid documents to reduce the scope of the Midfield Cross Taxiway project, and to provide Construction Phase Services, at Austin-Bergstrom International Airport, in the amount of \$175,000 for a total revised contract amount of \$1,557,425.80. [Funding was included in the 1994-95 Capital budget of the Aviation Department. This project is eligible for reimbursement of 75% of eligible costs from the Federal Aviation Administration (FAA)]. M/WBE Subcontractor participation for Supplemental Amendment #5: 75% MBE, 0% WBE.
Approved

32. Approve the award of a construction contract to NATIONAL SERVICE CLEANING CORPORATION, Dallas, Texas, for the Remediation Packages #2-B and #2-C for Austin-Bergstrom International Airport, in the amount of \$1,598,421.51. (Funding was included in the 1994-95 Capital Budget of the Aviation Department.) Low responsive bid of seven (7). DBE Subcontractor participation: 50% (50% MBE, 0% WBE) [Reviewed by Airport Advisory Board]
Approved

33. Approve selection of LOOMIS & ASSOCIATES, INC., Austin, Texas, for negotiation and execution of Phase I (preliminary engineering) of a three phase professional services agreement to provide engineering, architectural/urban-planning and associated services for the Waller Creek Flood Management and Water Quality Improvements project, in the estimated amount of \$150,000. (Funding was included in the 1994-95 Capital budget of the Drainage Utility.) Best qualification statement of nine (9). 20% MBE, 11% WBE Subconsultant participation.
Approved

34. Approve execution of a contract with WATSON DISTRIBUTING COMPANY, INC., San Antonio, Texas, for the purchase of golf course mowers and equipment, in the amount of \$106,087. (Funding is available in the 1994-95 operating budget of the Golf Enterprise Fund.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
Approved

35. Approve an amendment to the Health Authority Interlocal Agreement with Travis County regarding solid waste enforcement. (No fiscal impact.)
Approved

Items 24 - 35 approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

36. Approve execution of a contract with FULBRIGHT & JAWORSKI, for legal services relating to the lease of Brackenridge Hospital, in an amount not to exceed \$100,000. (Funding is available in the 1994-95 Operating Budget of Brackenridge Hospital.)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 6-0-1 vote, Councilmember Mitchell abstaining.

37. Approve negotiation and execution of an Agreement with W & G PARTNERSHIP LTD., for the construction and financing of certain wastewater improvements to provide wastewater service to the Terrace Planned Unit Development (PUD). [The Utility will receive up to \$345,000 in Capital Recovery Fees and up to \$480,000 annually in wastewater revenue. This revenue was not included in the 1994-95 budget. No expenditure of City funds required.]

Approved on Councilmember Garcia's motion, Mayor Todd's second, 5-1-1 vote, Councilmember Shea voting "No", Mayor Pro Tem Nofziger abstaining.

ITEMS FROM COUNCIL

38. Direct the City Manager to investigate addressing potential flooding conditions at Redwood and East 12th St. (Councilmembers Eric Mitchell and Jackie Goodman)
Approved
39. Direct the City manager to develop and implement a plan for the Convention Center to present the excitement and culture of Austin with a program of rotating pictures, prints and photographs depicting the best of what Austin has to offer. (Councilmember Ronney Reynolds and Mayor Pro Tem Michael "Max" Nofziger)
Approved

Items 38 - 39 approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

40. Approve a resolution to modify Austin's legislative program adding legislation permitting an alternate procedure to annexing municipal utility districts. (Legislative Subcommittee)

Postponed until March 23, 1995.

41. Approve a resolution to send Ordinance No. 941117-L (New Airport Project site Plan) to the Environmental Board, Airport Advisory Board and Planning Commission for review and comment. (Councilmember Jackie Goodman)

Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0-1 vote, Mayor Todd abstaining, Mayor Pro Tem Nofziger temporarily absent.

42. Authorize execution of a contract award to JILL BEDGOOD, Austin, Texas, for a series of twenty (20) oil on canvas paintings for the four-part wall (Level 3) of the Austin Convention Center as part of the Austin Convention Center Art in Public Places project, in an amount not to exceed \$49,000. (Funding was included in the 1993-94 amended Capital budget of the Parks and Recreation Department.) Best proposal of ten (10). (Recommended by the Arts Commission) [Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman]
Approved

43. Authorize execution of a contract award to BEN M. LIVINGSTON, Austin, Texas, for a metal and neon sculpture for the Palazzo of the Austin Convention Center as part of the Austin Convention Center Art in Public Places project, in an amount not to

exceed \$48,343. (Funding was included in the 1993-94 amended Capital budget of the Parks and Recreation Department.) Best proposal of ten (10). (Recommended by the Arts Commission) [Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman]

Approved

44. Authorize execution of a contract award to DAMIAN PRIOUR, Austin, Texas, for a limestone, glass and found object sculptural installation for the Rotunda of the Austin Convention Center as part of the Austin Convention Center Art in Public Places project, in an amount not to exceed \$49,945. (Funding was included in the 1993-94 amended Capital budget of the Parks and Recreation Department.) Best proposal of ten (10). [Recommended by the Arts Commission] (Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman)
- Approved

Items 42 - 44 approved on Councilmember Garcia's motion, Mayor Todd's second, 6-1 vote, Councilmember Mitchell voting "No."

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

45. 4:00 P.M. - Public hearing to approve street name change for Lamar Boulevard Northeast Cutoff, changing the street name to Sandra Muraida Way (from the north right-of-way line of West Cesar Chavez Street in a northwesterly direction to the east right-of-way line of North Lamar Blvd.) [Processing fee waived. Street sign fees allocated in the 1994-95 operating budget of the Public Works and Transportation Department.]

Ordinance No. 950309-B approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

46. 4:30 P.M. Approve second reading of the Graffiti Ordinance. (Public input will be limited to revisions proposed during first reading of the ordinance.) [Councilmembers Gus Garcia and Eric Mitchell]

Approved second reading only on Councilmember Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily absent.

47. 5:00 P.M. - Public hearing to amend Title XIII (Land Development Code) of the Austin City Code of 1992 by deleting the reference to April 29, 1990 in Section 13-1-481.1 as one of the criteria for excluding the balance of an original tract in subdivisions. [Recommended by the Planning Commission]

Close Public Hearing on Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

Ordinance No. 950309-F approved on Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

48. 5:30 P.M. - Public hearing and adoption of the Austin Metropolitan Area Transportation Plan (AMATP). [Recommended by Planning Commission, Urban Transportation Commission, Environmental Board, Parks and Recreation Board, Downtown Commission, and Design Commission]

Close Public Hearing on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Pro Tem Nofziger temporarily absent.

Motion to delay a vote on AMATP until after review by federal government by Councilmember Shea, seconded by Councilmember Goodman.

Substitute motion to approve AMATP by Councilmember Mitchell, seconded by Mayor Todd.

Vote to make substitute motion main motion, 4-0-3 vote, Mayor Pro Tem Nofziger and Councilmembers Goodman and Shea abstaining.

Approved AMATP on Councilmember Mitchell's motion, Mayor Todd's second, 5-0-2 vote, Mayor Pro Tem Nofziger and Councilmember Shea abstaining.

EXECUTIVE SESSION (No Public Discussion on These Items)

RECESSED at 3:05 P.M. for items 53 and 54. Executive Session for items 49 - 52 was held on the morning of this date.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Pending/Contemplated Litigation - Section 551.071

49. Discuss F.M. Properties Operating Co. v. City of Austin; Civil Action No. A-94-CA-647-JN.

Advice from Counsel - Section 551.071

50. Discuss possible amendments to Chapter 5-7 of the City Code.
51. Discuss Austin Black Contractors Assoc., Inc. v. City of Austin, Cause No. 94-50729 in the United States Court of Appeals for the Fifth Circuit.

Real Estate - Section 551.072

52. Discuss possible real estate transactions related to Brackenridge Hospital.

Real Estate Acquisition - Section 551.072

53. Discuss fee simple acquisition for the construction of Creek Bend Flood Control Project.
54. Discuss fee simple acquisition for the construction of the proposed Tannehill Drainage Project.

ACTION ON THE FOLLOWING

55. Authorize fee simple acquisition of real property located at 4603, 4605, 4607 and 4609 Creek Bend Drive in the amount of \$258,000 for the construction of Creek Bend Flood Control Project.

Approved

56. Authorize fee simple acquisition of real property located at 4812 Creekwood Road in the amount of \$53,000 for right of way necessary for the construction of the proposed Tannehill Drainage Project Phase IA.

Approved

Approved items 55 and 56 on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Shea and Garcia temporarily absent.

57. APPOINTMENTS

AIRPORT ADVISORY BOARD - Bruce Conover, Brad Ellis
ARTS COMMISSION - Edwina Carrington
DOWNTOWN COMMISSION - Abel Ruiz, Bob Woody
COMMUNITY DEVELOPMENT COMMISSION - Natividad Munoz, Mark Lee, Sisto Ramirez, Bobbie Johnson, Barbara Cunningham, Raymond Rabold
LIBRARY COMMISSION - Julie Todaro
ECONOMIC DEVELOPMENT COMMISSION - Edward Baldwin
FEDERALLY QUALIFIED HEALTH CLINIC BOARD - Ernest Perales, Norman Mason
WATER AND WASTEWATER COMMISSION - Elida Bera

Approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

ADDENDUM

ITEMS CONTINUED FROM PREVIOUS MEETINGS (continued)

58. Approve first reading of an ordinance granting a franchise agreement between the City of Austin and MCI Metro Access Transmission Services, Inc. (ATS). [Unanticipated revenue for 1994-95 is \$20,000.]
(Recommended by Telecommunications Commission)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 6-0-1 vote, Councilmember Mitchell abstaining.

ITEMS FROM COUNCIL (continued)

59. Direct the City Manager to report back to Council the results of the ongoing investigation of events and circumstances that occurred at 1607 Cedar Street on the night of February 11, 1995. (Councilmembers Eric Mitchell and Jackie Goodman)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

ADJOURNED at 7:27 P.M. on Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

Approved this the 23rd day of March, 1995, on Councilmember Garcia's motion, Councilmember Shea's second, 7-0 vote.